1 Single Bench (3)

In the High Court of Judicature of Chhatishgarh at Bilaspur .C.G.

W.P.No. 4399 **2004**

Petitioner ..... **Kumari Neeta Jain** aged 36 years Occupation Advocate Daughter of Shri Sajjanmal ,7, Mahavir Nagar, Durg (C.G.)

Versus

Respondents .....

1. Kumari Saroj Pandey daughter of Shyamji, Mayor, Municipal Corporation, Durg(C.G.)
2. State Government of Chhattishgarh,Trhough the Secretary, Paryavaran Department, D.K.S., Bhavan, Raipur (C.G.)
3. Additional Collector, Durg(C.G.)
4. Comissioner, (Assisstant Registrikaran Adhikari) Municipal Corporation, Durg. (C.G.)

4473/04 Presented by Shri ... dated ...

Writ Petition under articles 226/227 of the Constitution of India

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

41

आदेश पत्रक

मामला क्रमांक W.P.No. 4399/2004 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

17/12/2004

Shri Vishnu Kostha, Counsel for the petitioner.

Shri Sanjay K. Agrawal, Counsel for respondent No.1.

Shri Pramod Kumar Verma, Additional Advocate General for respondent No.2.

Shri Prashant Mishra, Additional Advocate General for respondents No. 3 and 4.

Heard on admission as well as on M.W.P. No.4747/2004.

Voters' list having name of respondent No. 1 in Ward No.47 has been challenged by the petitioner on the ground that respondent No.1 is not the resident of Ward No. 47 of Municipal Corporation, Durg. Objection of the petitioner was heard and after following the proper procedure the Registrikaran Adhikari vide order dated 04/10/2004, rejected the objection. Petitioner assailed the same before the Appellate Authority and the Appellate Authority, Upper Collector, Durg on 21/10/2004 confirming the order dated 04/10/2004 passed by the Registrikaran Adhikari, rejected the appeal. Being aggrieved by those orders, petitioner has come up before this Court under Article 226/227 of the Constitution of India.

It is admitted by both the parties that not only the nomination has been over, but the election has also been over and only results are to be awaited.

Section 441 of the C.G. Municipal Corporation Act, relates to election petition and Section 441 -B of the said Act relates to grounds for declaring election or nomination to be void. Therefore,

[पीछे देखिये

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(42)

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

now the remedy is available with the petitioner under above provisions.

At this juncture, when the Registrikaran Adhikari and Appellate authority, both, after affording proper opportunity to the petitioner and after due evaluation of the evidence on record, have passed the orders, there appears nothing substantial calling for interference by this Court. Therefore, the petition filed by the petitioner under Article 226/227 of the Constitution of India is liable to be dismissed and is accordingly dismissed.

In the light of the aforesaid order, M.W.P.No.4747/2004 stands disposed of.

Sd/-
V.K. Shrivastava
Judge

[पीछे देखिये